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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/376,743 | 08/17/1999 | YOUNG-KY KIM | 678-337(P886 | 6854 |

7590 03/29/2002

DILWORTH & BARRESE
333 EARLE OVINGTON BLVD
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EXAMINER

YUN, EUGENE

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2683

DATE MAILED: 03/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

ck

Office Action Summary

Application No.

09/376,743

Applicant(s)

KIM ET AL.

Examiner

Eugene Yun

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5,9-17 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 18-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
3. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

6. Claims 1, 3-5, 9-13, 15-17, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's submitted prior art in view of Scott et al. (US 6,154,486).

Referring to Claim 1, the prior art teaches a mobile station device comprising a preamble generator 120 (fig. 1) for generating a preamble signal 210 (fig. 2) to be transmitted during a preamble interval prior to a transmission interval of a reverse access channel message 280 (fig. 2), and a transmitter (fig. 1) for spreading and modulating 140 (fig. 1) the preamble signal received from the preamble generator and transmitting it to a base station (see pg. 5, lines 1-3). The prior art does not teach the preamble signal intermittently transmitted during a preamble interval. Scott teaches the preamble signal intermittently transmitted during a preamble interval (see col. 2, lines 6-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Scott to said mobile station device of the applicant's submitted prior art in order to shorten the preamble transmission interval.

Referring to Claim 13, the prior art teaches a transmitting method at a mobile station device comprising the steps of generating a preamble signal 210 (fig. 2) to be transmitted during a preamble interval prior to a transmission interval of a reverse

Art Unit: 2683

access channel message 280 (fig. 2), and spreading and modulating 140 (fig. 1) the preamble signal received from the preamble generator and transmitting it to a base station (see pg. 5, lines 1-3). The prior art does not teach the preamble signal intermittently transmitted during a preamble interval. Scott teaches the preamble signal intermittently transmitted during a preamble interval (see col. 2, lines 6-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Scott to said mobile station device of the applicant's submitted prior art in order to shorten the preamble transmission interval.

Referring to Claims 3 and 15, Scott also teaches said preamble interval comprising a repeating cycle of a preamble transmission interval and a preamble non-transmission interval, and wherein the preamble generator generates the preamble signal during the preamble transmission interval (see col. 2, lines 6-20).

Referring to Claims 4 and 16, Scott also teaches said preamble generator generating said preamble signal in said preamble transmission interval just prior to the transmission interval of the access channel message, the preamble transmission being provided during an ending part of the preamble interval (see col. 1, lines 65-67 and col. 2, line 1).

Referring to Claims 5 and 17, Scott also teaches said preamble generator generating said preamble signal using transmission power increased by a predetermined level (see col. 2, lines 52-56).

Regarding Claims 9 and 21, Scott also teaches said preamble generator generating the preamble signal with transmission power increased by a predetermined

level during a next preamble transmission interval, upon failure to receive sync acquisition information in the preamble non-transmission interval (see col. 2, lines 52-56).

Referring to Claims 10 and 22, Scott also teaches said preamble generator generating said preamble signal during a predefined part of the preamble interval (see col. 2, lines 22-29).

Referring to Claims 11 and 23, Scott also teaches said preamble generator generating said preamble signal during predefined beginning and ending parts of the preamble interval (see col. 2, lines 22-29).

Referring to Claims 12 and 24, Scott also teaches said mobile station generating the preamble signal during the preamble transmission interval that is exclusively assigned to the mobile station (see col. 2, lines 37-42).

7. Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's submitted prior art and Scott as applied to claims 1 and 13 above, and further in view of Nakamura et al. (US 6,314,090).

Referring to Claims 2 and 14, the prior art teaches said preamble generator comprising a generator 120 (fig. 1) for generating a reverse pilot signal (see R_PICH in fig. 1), and an amplifier 122 (fig. 1) for amplifying the reverse pilot signal received from the generator to a predetermined strength. The combination of Scott and the applicant's submitted prior art does not teach, a gating controller for intermittently transmitting the reverse pilot signal. Nakamura teaches a gating controller for intermittently transmitting

the reverse pilot signal (see col. 5, lines 43-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Nakamura to said mobile station device of the applicant's submitted prior art in order to increase detection probability for the preamble.

Allowable Subject Matter

8. Claims 6-8 and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding Claims 6 and 18, Scott, Nakamura, and the applicant's submitted prior art do not teach, alone nor in combination, said preamble generator interrupting generating of the preamble signal upon receiving sync acquisition information from the base station.

Regarding Claims 7 and 19, Scott, Nakamura, and the applicant's submitted prior art do not teach, alone nor in combination, said mobile station shortening said preamble interval and immediately transmitting the access channel message, upon receiving sync acquisition information from the base station.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

Application/Control Number: 09/376,743
Art Unit: 2683

Page 7

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Eugene Yun
Examiner
Art Unit 2683

EY
March 22, 2002

Lee Nguyen
Primary Examiner

Lee 3/22/02